

CITY AND COUNTY OF SAN FRANCISCO



DENNIS J. HERRERA
City Attorney

OFFICE OF THE CITY ATTORNEY

MARK D. LIPTON
Deputy City Attorney

DIRECT DIAL: (415) 554-4218
E-MAIL: mark.lipton@sfgov.org

April 9, 2010

The Honorable James Larson
United States District Court
Northern District of California
450 Golden Gate Avenue, 15th Floor
San Francisco, CA 94102

Re: Phillips v. City and County of San Francisco
US District Court No. C09-05953 EMC *P-1 MHP*
August 24, 2010 Settlement Conference

E-filing

ORIGINAL
FILED
APR 12 2010
RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Dear Magistrate Judge Larson:

Defendant City and County of San Francisco requests that its representative be excused from attending the Settlement Conference set for August 24, 2010 at 10:00 a.m. The good cause for this request is as follows: 1) the City's investigation demonstrates there is no merit whatsoever to any of plaintiff's claims; 2) the City intends to file a motion for summary judgment some time after the deposition of plaintiff, which has been noticed for May 5, 2010; 3) the City does not intend to offer anything to settle this case; and 4) plaintiff has informed the Court, via his pleadings and oral statements made at the Case Management Conference, that he has no intention of settling the case because "plaintiff has waited for over thirty years for a trial of this magnitude." (Plaintiff's Case Management Conference Statement, 6:5-6.) Further, plaintiff has indicated that the only ADR "arbitrator" that would be acceptable to him would be "a Civil Rights Arbitrator like; attorney John Burris of Oakland or President Obama (sic) and that is not going to happen thus, no arbitration is necessary." (Plaintiff's Case Management Conference Statement, 10:2-5.)

In the alternative, the City would request that its representative be permitted to be on telephone standby at the time of the Settlement Conference. Of course, the City will have a representative present if required. Thank you.

Very truly yours,

DENNIS J. HERRERA
City Attorney

A handwritten signature of Dennis J. Herrera in black ink.

Mark D. Lipton

cc: Oliver McFarline Phillips, Plaintiff In Pro Per